

and shipper are responsible for determination of tolerance. The Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised. Additionally, the Nuclear Regulatory Commission is responsible for ensuring that irradiation facilities are constructed and operated in a safe manner. Further, the Food and Drug Administration is responsible for ensuring that irradiated foods are safe and wholesome for human consumption.

Done in Washington, DC, this 30th day of June 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-17672 Filed 7-9-97; 8:45 am]

BILLING CODE 3410-34-U

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 97-056-3]

#### Mediterranean Fruit Fly; Additions to the Quarantined Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the Mediterranean fruit fly regulations by expanding the current quarantined area in Hillsborough County, FL, and adding areas in Manatee and Polk Counties, FL, to the list of quarantined areas. The regulations restrict the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the Mediterranean fruit fly into noninfested areas of the continental United States.

**DATES:** Interim rule effective July 3, 1997. Consideration will be given only to comments received on or before September 8, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-056-3, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-056-3. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and

4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael B. Stefan, Operations Officer, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247; or e-mail: mstefan@aphis.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables. The Mediterranean fruit fly (Medfly) can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. The short life cycle of this pest permits the rapid development of serious outbreaks.

The Mediterranean fruit fly regulations (7 CFR 301.78 through 301.78-10; referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of Medfly to noninfested areas of the United States.

An interim rule effective on June 16, 1997, and published in the **Federal Register** on June 20, 1997 (62 FR 33537-33539, Docket No. 97-056-2), added a portion of Hillsborough County, FL, to the list of quarantined areas and restricted the interstate movement of regulated articles from the quarantined area.

Recent trapping surveys by inspectors of Florida State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that an infestation of Medfly has occurred in an additional area in Hillsborough County and in portions of Manatee and Polk Counties, FL.

The regulations in § 301.78-3 provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which the Medfly has been found by an inspector, in which the Administrator has reason to believe that the Medfly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the Medfly has been found.

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are

equivalent to those imposed on the interstate movement of regulated articles, and the designation of less than the entire State as a quarantined area will prevent the interstate spread of the Medfly. The boundary lines for a portion of a State being designated as quarantined are set up approximately four-and-one-half-miles from the detection sights. The boundary lines may vary due to factors such as the location of hosts, the location of transportation centers, such as bus stations and airports, the pattern of persons moving in that State, the number and patterns of distribution of the Medfly, and the use of clearly identifiable lines for the boundaries.

In accordance with these criteria and the recent Medfly finding described above, we are amending § 301.78-3 by expanding the current quarantined area in Hillsborough County, FL, and adding portions of Manatee and Polk Counties, FL, to the list of quarantined areas. The resulting quarantined areas are described in the rule portion of this document.

##### Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Medfly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendment we are making to the rule as a result of the comments.

##### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the Medfly regulations by expanding the current quarantined area in Hillsborough County, FL, and adding areas in Manatee and Polk Counties, FL, to the list of quarantined areas. The regulations restrict the interstate

movement of regulated articles from the quarantined areas.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule would have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V).

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The site specific environmental assessment and programmatic Medfly environmental impact statement provide a basis for our conclusion that implementation of integrated pest management to achieve eradication of the Medfly would not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

#### Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantining, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

#### PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.78–3, paragraph (c), the entry for Florida is revised to read as follows:

##### § 301.78–3 Quarantined areas.

\* \* \* \* \*

(c) \* \* \*

##### Florida

*Hillsborough and Polk Counties.* That portion of Hillsborough and Polk Counties beginning at the intersection of the Hillsborough/Polk County line and the section line dividing sections 25 and 36, T. 27 S., R. 22 E.; then west along the section line dividing sections 25 and 36, T. 27 S., R. 22 E. to the Hillsborough River; then west along the Hillsborough River to I–75; then north along I–75 to the Hillsborough/Pasco County line; then west along the Hillsborough/Pasco County line to the section line dividing sections 5 and 6, T. 27 S., R. 18 E.; then south along the section line dividing sections 5 and 6, T. 27 S., R. 18 E., to Veterans Expressway; then south along Veterans Expressway to Erlich Road; then west along Erlich Road to Gunn Highway; the north along Gunn Highway to Mobley Road; then west along Mobley Road to Racetrack Road; then south and west along

Racetrack Road to the Hillsborough County line; then south along the Hillsborough County line to I–275; then east along I–275 to the westernmost land mass at the eastern end of the Howard Franklin Bridge; then south, east, and north, along the shoreline of Old Tampa Bay, Tampa Bay, and Hillsborough Bay (including the Interbay Peninsula, David Island, Harbour Island, Hooker's Point, and Port Sutton) to the shoreline of the Alafia River's extension; then east along the shoreline of the Alafia River's extension to Highway 301; then south along Highway 301 to Balm-Riverview Road; then south and east along Balm-Riverview Road to Rhodine Road; then east along Rhodine Road to Boyette Road; then south, east, and north along Boyette Road to Dorman Road; then east along Dorman Road to Browning Road; then north along Browning Road to Lithia-Pinecrest Road; then east along Lithia-Pinecrest Road to Bryant Road; then north along Bryant Road to the Alafia River; then west along the Alafia River to the North Prong Alafia River; then north and west along the North Prong Alafia River to Poley Creek; then east and north along Poley Creek to Highway 60; then south and east along Highway 60 to Willis Road; then east along Willis Road to its end; then continue on an imaginary line extending east to Imperiallakes Boulevard; then north and east along Imperiallakes Boulevard to Shephard Road; then east along Shephard Road to Highway 37; then north along Highway 37 to Highway 540–A; then east along Highway 540–A to Yarborough Lane; then north Yarborough Lane to Clubhouse Road; then east along Clubhouse Road to the shoreline of Lake Hancock; then north and east along the shoreline of Lake Hancock to the section line dividing sections 31 and 32, T. 28 S., R. 25 E.; then north along the section line dividing sections 31 and 32, T. 28 S., R. 25 E., to the section line dividing sections 30 and 31, T. 27 S., R. 25 E.; then west along the section line dividing sections 30 and 31, T. 27 S., R. 25 E., to the intersection of I–4 and Highway 582; then south and west along I–4 to the section line dividing sections 9 and 16, T. 28 S., R. 23 E.; then west along the section line dividing sections 9 and 16, T. 28 S., R. 23 E., to the Polk County line; then north along the Polk County line to the point of beginning.

*Manatee County.* The portion of Manatee County beginning at the intersection of Highway 41 and Highway 301; then south across the Manatee River to the southern shoreline of the Manatee River; then west along the shoreline of the Manatee River to 9th Street; then south along 9th Street to 17th Avenue; then west along 17th Avenue to 26th Street; then south along 26th Street to 26th Avenue; then west along 26th Avenue in an

imaginary straight line to the shoreline of Palma Sol Bay; then north, west, and south along the shoreline of Palma Sola Bay to the southern shoreline the Perico Bayou; then north and west along the eastern shoreline of the Perico Bayou to Tampa Bay; then east along the northern shoreline of the mainland to a point due south of the westernmost end of Snead Island; then north along an imaginary line to Snead Island; then northeast along an imaginary line to the westernmost land mass of the southern end of the Sunshine Skyway (Highway 19); then east and south along Sunshine Skyway (Highway 19) to Highway 41; then south along Highway 41 to the point of beginning.

Done in Washington, DC, this 3rd day of July 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-18108 Filed 7-9-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1437

RIN 0560-AF15

#### Livestock Indemnity Program; Correction

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Interim rule with request for comments; correction.

**SUMMARY:** This document contains corrections to the interim rule published in the **Federal Register** on Tuesday, June 24, 1997, regarding the Livestock Indemnity Program and the removal of obsolete program provisions. This correction reinstates 7 CFR Part 1437, which was incorrectly removed as an obsolete regulation.

**DATE:** This correction is effective on June 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Diane Sharp, Director, Compliance and Production Adjustment Division, Farm Service Agency, United States Department of Agriculture, STOP 0517, 1400 Independence Avenue, SW, Washington, DC 20013-0517.

#### CORRECTION OF PUBLICATION:

Accordingly, in the interim rule (FR Doc 97-16578) published on June 24, 1997, (62 FR 33984) make the following corrections:

1. On page 33984, in the first column list of subjects, remove the entry for Part 1437.

2. On page 33985, in the third column, amendatory instruction no. 2 is corrected by removing the reference to "1437,".

Signed at Washington, DC, on July 3, 1997.

**Bruce R. Weber,**

*Acting Executive Vice President Commodity Credit Corporation.*

[FR Doc. 97-17979 Filed 7-9-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-44-AD; Amendment 39-10071; AD 97-13-11]

RIN 2120-AA64

#### Airworthiness Directives; Ayres Corporation S2R Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 97-13-11, which was sent previously to known U.S. owners and operators of certain Ayres Corporation (Ayres) S2R series airplanes. This AD requires inspecting the 1/4-inch and 5/16-inch bolt hole areas on the lower spar caps for fatigue cracking, and replacing any lower spar cap if fatigue cracking is found. This AD results from an accident on an Ayres S2R series airplane where the wing separated from the airplane in flight. The actions specified by this AD are intended to prevent fatigue cracking of the lower spar caps, which, if not detected and corrected, could result in the wing separating from the airplane with consequent loss of control of the airplane.

**DATES:** Effective July 23, 1997, to all persons except those to whom it was made immediately effective by priority letter AD 97-13-11, issued June 20, 1997, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 23, 1997.

Comments for inclusion in the Rules Docket must be received on or before September 26, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region,

Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE-44-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Ayres Corporation, P.O. Box 3090, One Rockwell Avenue, Albany, Georgia 31706-3090. This information may also be examined at the Rules Docket at the address above, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Cindy Lorenzen, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7357; facsimile (404) 305-7348.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On June 20, 1997, the FAA issued priority letter AD 97-13-11, which applies to certain Ayres S2R series airplanes. That AD resulted from an accident on an Ayres S2R series airplane where the wing separated from the airplane in flight. Investigation of all resources available to the FAA show nine occurrences of fatigue cracking in the lower spar caps of Ayres S2R airplanes, specifically emanating from the 1/4-inch and 5/16-inch bolt holes. Although the investigation of the above-referenced accident is not complete, the FAA believes that the cause can be attributed to fatigue cracks emanating from the 1/4-inch and 5/16-inch bolt holes in the left lower spar cap.

Data accumulated by the FAA indicates that the fatigue cracks on these Ayres S2R series airplanes become detectable at different times based upon the type of engines and design of the airplane. With this in mind, the FAA has categorized these airplanes into three groups:

- Group 1 airplanes have steel spar caps with aluminum webs. These airplanes are capable of carrying heavier loads and data indicates that inspections in the affected areas of the lower spar cap should begin upon the accumulation of 2,700 hours time-in-service (TIS);
- Group 2 airplanes have steel spar caps with steel webs. Because of the steel webs as opposed to aluminum, data indicates that inspections in the affected areas of the left lower spar cap should begin upon the accumulation of 4,300 hours TIS; and
- Group 3 airplanes, which are the ones manufactured first, have steel spars